

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Thomas Albert Spalding

Case No. Case: 2:23-mj-30240
Assigned To : Unassigned
Assign. Date : 6/8/2023
CMP USA V SPALDING (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 28, 2022 - June 8, 2023 in the county of Washtenaw & elsewhere in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 2252A(a)(2)
18 U.S.C. § 2252A(a)(5)(B)

Offense Description

Receipt and distribution of child pornography
Possession of child pornography

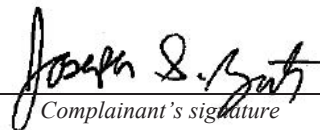
This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

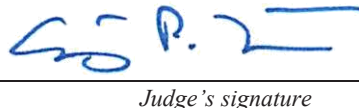
Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 8, 2023

City and state: Detroit, Michigan


Complainant's signature

Joseph Zutz, Special Agent (HSI)
Printed name and title


Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Joseph Zutz, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a special agent with Homeland Security Investigations (HSI). Since March 2021, I have been assigned to investigate cases involving child exploitation and child pornography. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including digital media. I have gained experience through attendance at the HSI Special Agent Training Academy, advanced training through ICAC, and everyday work related to conducting these types of investigations. Additionally, I have training on peer-to-peer (“P2P”) filesharing operations to locate targets who are participating in the distribution of child pornography and to acquire binary copies of child pornography from subjects. I have received training and currently perform duties to conduct digital forensics for discovery of evidence contained on electronic devices. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251 and 2252A, and I am authorized by law to request an arrest warrant.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for Thomas Albert SPALDING (DOB: **/**/1963) for

violations of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(a)(2) - possession, receipt, and distribution of child pornography.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. These facts are provided for the sole purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant; therefore, this affidavit does not necessarily contain all information uncovered during this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for an arrest warrant for Thomas Albert SPALDING.

PROBABLE CAUSE

4. On or about April 6, 2023, HSI received information from a law enforcement source that indicated an individual was using a P2P network to allegedly advertise and distribute apparent child pornography from IP address: 68.48.135.184 (TARGET IP ADDRESS). Logs show activity beginning December 28, 2022.

5. Records maintained by the law enforcement source indicated a computer at the TARGET IP ADDRESS was offering to share child pornography.

The logs showed the TARGET IP ADDRESS had 100% of 160 files that are known to law enforcement to apparently depict child pornography. I have viewed ten of those files and an example of one file is described:

- May 1, 2023 at 11:34 UTC, file with SHA-1 Base 32 hash: TIQ23XRHW3POFE7S3K2ZAOHI7PA***** is a one minute and three second (1:03) video that shows a prepubescent male who is having sex with an unknown female. The minor male is being held from behind by the female. The camera is focused on the genitalia of both persons. The hash of the file is reported by NCMEC to contain an identified victim child.

6. Using investigative P2P software, three files were directly downloaded by HSI from a computer at the TARGET IP ADDRESS on April 16, 2023 that I reviewed and based on my training and experience depict child pornography as defined in Title 18, United States Code, Section 2256. The hash of each file is reported by NCMEC to contain an identified victim child. An example of one file:

- File “(PHANT) -- kids react to cp - 3 chicas se *****.avi”, SHA-1 Base 32 hash: TZ4HTEB7CZZHDQSNY3UGXTMZDZQ***** is a five minute and eleven seconds (5:11) video of an Omegle.com video chat showing several minor children watching various videos that depict an unclothed prepubescent female who is masturbating an adult male by moving her hands up and down the adults male’s penis, or a minor female who is observed inserting an adult male’s penis into her mouth.

7. In a response to a Summons, the ISP, Comcast, provided the TARGET IP ADDRESS to resolve to a location in Ypsilanti, MI during the dates of recorded P2P activity. Through my investigation I determined SPALDING to live at the

residence and obtained a search warrant for the location.

8. SPALDING is currently a registered sex offender in the State of Michigan for having “exposed himself to female babysitter [15yo] & kissed her” (June 1998) that he was convicted for a misdemeanor. Removal the sex offender is scheduled for June 19, 2023. In addition, SPALDING has a felony conviction for Criminal Sexual Conduct 2nd Degree Assault (January 1991).

9. On June 8, 2023, HSI executed a federal search warrant obtained in the Eastern District of Michigan for the residence in Ypsilanti where SPALDING was encountered. During a post-*Miranda* interview, SPALDING stated he is the only one who resides at the residence and is not aware of anyone else who may be using the internet service. It should be noted the wi-fi access is protected and changed from the default password.

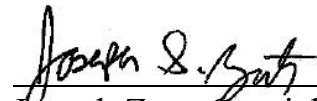
10. Agents seized a desktop computer at the residence that was examined by a HSI computer forensics agent who conducted an examination on scene. Child pornography was found on the desktop computer and two examples are described:

- Female approximately 10-12 years of age naked except a sock on her right foot. She is sitting on top of an adult male with her legs spread apart. The male’s penis is inserted in the minor female’s anus.
- A thumbnail of an Infant female laying on her back with her shirt pulled up to her chest. The infant’s legs are spread apart exposing her vagina. The words “I “emoji heart” baby porn” are on the image.

CONCLUSION

11. I respectfully submit that there is probable cause to believe that Thomas Albert SPALDING violated Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(a)(2), which criminalize, among other things, the possession, receipt, and distribution of child pornography and other related materials, and request that the Court authorize an arrest warrant in this matter.

Respectfully submitted,



Joseph Zutz, Special Agent
Homeland Security Investigations

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. ANTHONY P. PATTI
UNITED STATES MAGISTRATE JUDGE

Date: June 8, 2023